

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NORMAN WALTER HIRSCHER,

No. C-14-0340 EMC (pr)

Plaintiff,

v.

**ORDER**

BRAD SMITH; *et al.*,

Defendants.

Plaintiff has moved for appointment of counsel to represent him in this action. A district court has the discretion under 28 U.S.C. §1915(e)(1) to designate counsel to represent an indigent civil litigant in exceptional circumstances. *See Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). This requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. *See id.* Neither of these factors is dispositive and both must be viewed together before deciding on a request for counsel under § 1915(e)(1). Here, exceptional circumstances requiring the appointment of counsel are not evident at this time. The request for appointment of counsel is **DENIED**.

(Docket # 16.)

///

///

///

///


///

///

1 The Order of Service filed on July 31, 2014 mistakenly refers to Plaintiff's pleading as an  
2 amended complaint and a second amended complaint. The only pleading in the file is Docket # 1,  
3 the original complaint filed on January 23, 2014.

4  
5 IT IS SO ORDERED.

6  
7 Dated: September 3, 2014

8   
9 EDWARD M. CHEN  
10 United States District Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28